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SUPREME COURT OF THE UNITED STATES.

No. 187.

THE UNITED STATES, APPELLANTS,

v.

GEORGE MORILLO AND MARIA V. ROMERO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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Transcript of the proceedings in Case No. 432, George Morillo and Maria V. Romero, Claimants, *v.* The United States, Defendant, for the place named "Potrero de Felipe Lugo."

Office of the Board of Commissioners to ascertain and settle the private land claims in the State of California.

Be it remembered, that on this first day of November, Anno Domini one thousand eight hundred and fifty-two, before the Commissioners to ascertain and settle the private land claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of George Morillo and Maria V. Romero, for the place named "Potrero de Felipe Lugo," was presented, and ordered to be filed and docketed, with No. 432, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, November 4th, 1852.

In Case No. 432, George Morillo et al. for the place named "Potrero de Felipe Lugo," the deposition of Hugo Reid, a witness on behalf of the claimants, taken before Commissioner Hiland Hall, with documents marked H, H, No. 1 & 2, and translations thereof marked B & D, annexed thereto, was filed.

(Vide page 5 of this transcript.)

San Francisco, August 18th, 1853.

Case No. 432 (George Morillo et al.) called. The counsel for the claimants read the evidence; argued, submitted, and taken under advisement.

San Fancisco, Oct. 18th, 1853.

In Case No. 432, George Morillo et al., for the place named Potrero de Felipe Lugo, Commissioner Thompson Campbell delivered the opinion of the Board, confirming the claim.

(Vide page 36 of this transcript.)

To the Honorable the Board of the U. S. Land Commissioners appointed to settle Private Land Claims in California.

The petition of Jorge Morillo and Maria Verdugo Romero respectfully showeth, that, on or about the 18th day of April, A. D. 1845, Pio Pico, then Governor of California, in the name of the Mexican nation, by virtue of the laws then in force, the customs and usages of the country, affecting grants of land in California, granted

in full property unto the said Jorge Morillo, one of your petitioners, and Teodoro Romero, the husband of the other of your petitioners, the tract of land known by the name of Potrero de Felipe Lugo, and more particularly described in the papers and maps relating to the grant of said lands, copies of said papers being herewith filed as part of this petition, as well as the record of papers and maps relating to the grant of said lands, now in the custody of the U. S. Surveyor-General for California; copies of said papers and maps, so soon as the same can be obtained, your petitioners pray leave to file as part of this petition.

And your petitioners further show, that they are informed and believe the said grant was duly approved by the Departmental Assembly of California.

And your petitioners further show, that juridical possession was given of said lands by the proper officer having jurisdiction of that subject-matter, as is more at large set forth in a copy of an official paper herewith filed, as part of this petition; that said original paper is now in the hands of your petitioners, ready to be produced and proven as your honorable Board shall direct.

And your petitioners further show, that in or about the year, A.D. , the said Teodoro Romero departed this life, leaving him surviving the said Maria Verdugo Romero, his wife, and one of your petitioners, and five children, to wit, Domingo Romero, Jose Jesus Romero, Maria Epifania Romero, Juana Maria Romero, and Maria Urbana Romero; that by the last will and testament of the said Teodoro Romero the said tract of land hereby claimed was left to the said Maria Verdugo Romero, his wife, during her life, and the remainder to his five children hereinbefore named and set forth; a copy of said testament being herewith filed as part of this petition.

And your petitioners further show, that from about the date of said grant the said Jorge Morillo and Teodoro Romero took peaceable and quiet possession of said lands, and they and their families have ever since had and now have the peaceable and quiet possession and occupation of all of said lands.

There is no conflicting claim thereto known to your petitioners; the said lands have not been surveyed by the U. S. Surveyor-General for California.

In view of the foregoing facts, your petitioners pray that the title to said lands may be confirmed to your petitioners by this honorable Board. The evidence upon which your petitioners rely in this case are the records of this grant, papers, and maps, in the custody of the U. S. Surveyor-General for California, original papers in the hands of your petitioners, and ready to be produced and proven, and the testimony of witnesses to be produced before your honorable Board, respectfully submitted for such action, as the justice and nature of the claim may require.

E. O. CROSBY,
Of Counsel for Claimants.

Filed in office, Nov. 1, 1852.
(Signed) GEO. FISHER,
Secretary.

Deposition of Hugo Reid.

Los Angeles, Nov. 4th, 1852.

On this day, before Com. H. Hall, came Hugo Reid, a witness in behalf of the claimants, Jorge Morillo and Maria V. Romero, Petition No. 432, and was duly sworn, his evidence being given in English.

The U. S. Associate Law Agent was present.

In answer to inquiries by Counsel for the claimants, the witness testified as follows:

My name Hugo Reid; my age is forty-one years; at San Gabriel in the County of Los Angeles; I have resided nineteen years in California.

I am acquainted with the handwriting and signatures of Pio Pico, Juan Bandini, Vicente Sanchez, Ignacio Coronel, Manuel Sepulveda. A paper is now shown me, purporting to be a grant to Jorge Morillo of land called Potrero de Felipe Lugo, dated April 18, 1845, to which is attached a testimonial of juridical possession, given in August, 1845, the signatures of the said several persons appearing on said paper, I believe to be genuine; said paper is hereunto annexed, and marked H, H, No. 1. I am acquainted with the handwriting and signatures of Francisco T. Alvarado, Louis Tordeo Baculo Valtz, Vincente Moraga, Juan Bonet, Bernardino Lopez, and Jose Lopez. A paper purporting to be the will of Teodoro Romero, dated Oct. 16th, 1846, is now shown me. The signatures of the said several persons appearing on said paper, I believe to be genuine.

Said paper is hereunto annexed, and marked H, H, No. 2.

I am acquainted with the rancho before-named; it is situated about four miles from San Gabriel, where I reside; it has been occupied by Romero and Morillo ever since it was granted them; it is now occupied by Morillo and the widow of Romero; they built a house on the land within a year after the grant, and lived on it, and had stock on it, and have cultivated the land.

In answer to inquiries by the associate law agents, the witness says he knows of no opposing claim to the land.

HUGO REID.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office, Nov. 4th, 1852.
(Signed) GEO. FISHER,
Secretary.

1845.

[1 S. D. K.] Espediente.

Promovido por Jorge Morillo y Teodoro Romero en pretension de un terreno de la Mision San Gabriel.

[2 S. D. K.] 444.

Angeles, Marzo 17 de 1845.

Informe el R. P. Ministro de Sn. Gabriel y en seguida producira el Sayo el Yttre. Ayuntamto. de esta Capital.

PICO.

Angeles, Abril 8 de 1845.

Devuelvase a los interesados pa. qe. acompanen el correspondiente diseno a fin de que se les puede estender el titulo.

PICO.

Exmo S. Gobernador del Departamto.

Jorge Morillo y Teodoro Romero de esta recinidad ante V. E. como mejor combenga, comparecemos, diciendo: que tenemos algunos bienes de ganado mayor y cabayada que no tenemos endonde colocarlos, y queriendo al mismo tiempo dedicarnos al tan provchoso como importante ramo de agricultura pedimos a V. E. se digne consedernos un pedaso de terreno que se halla baldio en las pertinencias de la Micion bieja de S. Gabriel conocido con el nombre de Potrero de Felipe Lugo y parte de otro potrero que esta mas abajo de este al Rumbo del Poniente del que se le dio a Sra. Cacilda Soto pr. el gobierno anterior poco mas de la mitad, conformandonos en recibir la estencion de terreno q. el R. P. Mtro. de S. Gabriel quiera darnos en el informe que V. E. deba pedirle. Por tanto a V. E. rendidamto. suplicamos se digne mandar practicar todas las diligencias necesarias para que se nos de el titulo de propiedad de lo que recibiremos merced y gracio. Siroiendose admitirnos esta en papel comun pr. no haber del sellado correspondiente.

[3 S. D. K.]

JEORGE MORILLO,
TEODORO ROMERO.

Angeles, Mro. 17, de 1845.

Micion de San Gabriel, Mro 18, de 1845.

[4 S. D. K.] Exmo Senor.

El terreno que solicitan los Sres Jorge Morillo y Teodoro Romero no lo ocupan los bienes de la Mision y como tengo conocimiento de que estos Sres son hombres pobres, honrados cargados de familia y empenosos pa. el cultivo de las tierras, puede V. E. si lo tubiere ha bien estenderles titulo del terreno signiente.

Desde la orilla del Rio pr. el camino real que ba de la Puente a S. Gabriel hasta el primer aliso que se encuentra a la mano derecha en un lado del camino, de donde tomando el rumbo del poniente encontraron con la Sienega q. queda al norte del Potrero de Felipe Lugo y pasando para todo la orilla de dha. Sienega saldran al otro potrero que esta mas abajo de este hta llegar a una fita de sauces lindero de Cacilda Soto de suerte que quedan pr. linderos al oriente el camino de la puente al norte la sienega y el bosque, al poniente la fita de sauces y al sur el rio de asusa.

FR. TOMAS ESTENAGA.

Angeles, Marzo 31, de 1845.

Dada el Ylustro Ayuntamiento cuenta con la instancia que antecede, se mando pasar a la Comision de Valdios.

VTE. SANCHEZ,
Pte.

YGO. CORONEL,
Scrito.

(For map, see original, page 10.)

[5 S. D. K.]

Al Y. Ayuntamiento.

La comision de terrenos a practicado las diligencias respectivas a la beduria del terreno que se hace mencion en el presente escrito se alla enteramente baldio, por lo que pone la Comision a la deliberacion de V. S. el acuerdo signiente, se les puede conceder a los interesados en esta instancia el terreno que senala el R. P. Fr. Tomas Estenega en su informe.

CRISTOV. ACRISLAR,
FELIPE LUGO.

Angeles, 4 de Abril, de 1845.

Angeles, Abril 5, de 1845.

Dado cuenta al Yttre. Ayuntamiento en sesion de hoy se aprobo por lo que podra elevarse a la superioridad.

VTE. SANCHEZ,
Pte.

YGO. CORONEL,
Srio.

Se espedio el titulo respectivo hoy dia de la fha.

J. BANDINI,
Srio.

Angeles, y Abril 18, de 1845.

Cueda tomado razon de este en el libro respectivo.

[7 S. D. K.]

Angeles, Mayo 8, de 1846.

Dado cuenta en sesion de hoy con este Espediente a la Exma

Asamblea Departamental, se mando pasar a la comision de terrenos baldios.

PIO PICO,
Preste.
AUGUSTIN OLVERA,
D. S.

E. S.

La comision de terrenos baldios a examinado el presente Espedte. promovido por los C. C. Jorge Morillo y Teodoro Romero del parage Potrero de da Mision bieja de Sn. Gabl. q. el Gobo. Dept. les concedio con arreglo a las leyes de la materia, pr. cuya virtud pone a la deliveracion de V. E. la propocicion signiente.

Se aprueba la concesion hecha a los C. C. Jorge Morillo y Teodoro Romero del parage Potrero de la Mision vieja de S. Gabl. de pr. titulo libra do con fha 18 de Abril del ano po. poo. conforme a la ley de 18 de Agto, de 1824, y el art 5o. del Reglamto. de 21 de Jbre. 1828.

Sala de Coms. en la Ciudad de Los Angeles, Mayo 22, de 1846.

S. ARGUELLO.

Los Angeles, Mayo 22, de 1846.

En sesion de este dia aprobo la Exma Asamblea Departamental la proposicion del dictamen anterior.

Office of the Surveyor-General of the United States for California.

I, Samuel D. King, Surveyor-General of the United States for the State of California, and as such having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the eight preceding and hereunto annexed pages of tracing paper, numbered from one to eight inclusive, and each of which is verified by my initials (S. D. K.), exhibit true and accurate copies of certain documents on file, and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name, and affixed my private seal (not having a seal of office), at the City of San Francisco, this 23d day of October, 1852.

SAML. D. KING,
Sur.-Gen. Cal.

Filed in office, Aug. 8th, 1853.

(Signed) GEO. FISHER,
Secretary.

Translation.

To his Excellency, the Governor of the Department.

Angeles, March 17, 1845.

Let the Reverend Father, minister of San Gabriel, report, and

next let the illustrious Common Council of this Capitol produce their report.

PICO.

Angeles, April 8, 1845.

Let this be returned to the petitioners, in order that they accompany the appropriate sketch, so that the title may be made out to them.

PICO.

We, Jorge Morillo and Teodoro Romero, of this place, before your Excellency, in the most proper form, do appear saying, that we own some stock, neat cattle, and stud, and have no place to raise the same; and, as we are desirous at the same time to devote ourselves to agriculture, a branch as profitable as it is important, we beseech your Excellency to be pleased to grant unto us a piece of land, which unoccupied in the premises of the Mission vieja de San Gabriel, known by the name of Potrero de Felipe Lugo, and a part of another potrero below this one; at the westward of that which was granted to Senora Casilda Sota by the former government, being a little more than one-half of the same; we are content to accept the extent of land which the Reverend Father minister of San Gabriel may be pleased to give us, in the report which your Excellency may have to ask him. Wherefore, we humbly beseech your Excellency to deign to order the necessary proceedings to be taken, in order that the title of ownership may be given to us, wherein we shall receive favor and grace. Be pleased to admit this on common paper, there being none of the appropriate stamp.

JORGE MORILLO,
TEODORO ROMERO.

Angeles, March 17, 1845.

Mission of San Gabriel, March 18, 1845.

Your Excellency:

The tract solicited by the Senores Jorge Morillo and Teodoro Romero, is not occupied by any cattle of the Mission, and as I have knowledge that these Senores are poor, honorable, encumbered with family, and industrious in cultivating the soil, your Excellency may, if you deem proper, issue to them the title of the following tract. From the bank of the river along the highway that goes from the Puento de San Gabriel, to the first Sycamore (aliso) found on the right hand on one side of the road, whence a west course will lead into the swamp that lies north from the Potrero de Felipe Lugo, and following along the edge of said swamp, another potrero is found that lies below this one, until reaching a row of willows, the boundary of Casilda Sota; so that the boundaries are to the east the road from the Puento, to the north the swamp and the thickets, west the row of willows, and south the river Asusa.

FR. THOMAS ESTENEGA.

Angeles, March 31, 1845.

Reported to the illustrious Municipal Council the foregoing petition, which was referred to the committee on unoccupied lands.

VCTE. SANCHEZ,
President.
IGO. CORONEL,
Secretary ad int.

Illustrious Common Council:

The committee of public lands has taken the appropriate proceedings concerning the viewing of the tract mentioned in the present writing. It is entirely unoccupied. Wherefore the Counsellor submits to the deliberation of your Honors the following article: the tract designated by the Reverend Father Fr. Tomas Estenega in his report may be granted to the parties to this petition.

CRISTOBR. AGUILAR,
FELIPE LUGO.

Angeles, April 4th, 1845.

Angeles, April 5th, 1845.

The foregoing was submitted to the Illustrious Municipal Council in session of to-day, and approved, wherefore it may be forwarded to the government.

VCTE. SANCHEZ,
President.
IGO. CORONEL,
Secretary.

The deed to the premises in question was issued on this day.

I. BANDINI,
Secretary.

Angeles, April 18th, 1845.

This title is entered of record in the appropriate book.

Angeles, May 8th, 1846.

In session of to-day these minutes of proceedings were submitted to the Most Excellent the Departmental Assembly; the matter was referred to the committee on waste lands.

PIO PICO,
President.
AGUSTIN OLVERA,
[L. S.]

Your Excellency:

The Committee on Waste Lands has examined these present minutes of proceedings, instituted upon the motion of the Citizens Jorge Morillo and Teodoro Romero, of the tract Potreros de la Mission vieja de San Gabriel, which the Departmental Government granted them in accordance with the laws affecting the matter. Wherefore it submits to the deliberation of your Excellency the following resolution: approved the grant made to the Citizens Jorge Morillo and Teodoro Romero, of the tract Potreros de la Mission vieja de San

Gabriel, by title dated 18th April, of last year, comformably to the law of August 18th, 1824, and article 5 of the Regulation of November 21st, 1828.

S. ARGUELLO.

Committee Rooms at the City of Los Angeles,
May 22, 1846.

Angeles, June 3, 1846.

In session of to-day, the Most Excellent the Departmental Assembly approved the resolution of the foregoing report.

Filed in office August 8, 1853.

GEO. FISHER,
Secretary.

Document H. H. No. 1. *Posecion.*

Possession del Potrero de Felipe Lugo en la Mision Viega. Ano de 1845.

H. H. No. 1.

Sello Segundo, Cuatro Pesos.

Habilitado provisionalmente por la aduana maritima del Puerto de Monterey, en el Departamento de las Californias, para los anos de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

MICHELTORENA,
PABLO DE LA GUERRA.

Pio Pico, Gobernador interino del Departamento de Californias.

Por cuanto Jorge Morillo y Teodoro Romero han pretendido para su beneficio personal y el de sus familias un terreno en la cercanias de la Mision Viega de Sn. Gabriel conocido con el nombre de potrero de Felipe Lugo y parte de otro al rumbo del poniente que se adjudico a Senora Casilda Soto segun se demarca en el diseno que acompano a su solicitud practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas a nombre de la Nacion Mejicana, he venido en concederles el terreno mencionado declarandoles la propiedad de el por las presentes letras de conformidad con las leyes y con entera sujecion a la aprovacion de la Exma Asamblea Departamental y bajo las condiciones siguientes.

1a. Podran cercar el terreno que se les adjudica sin perjudicar las travesias caminos y servidumbres; lo disfrutaran libre y esclusivamente destinandolo al uso y cultivo que mas les acomode; pero dentro de un ano lo tendran ocupado con casa abitada y bienes semovientes.

2a. Cuando se les confirme la propiedad solicitaran del Juez respectivo les de la posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos poniendo las mojoneras necesarias.

3a. El terreno de que se hace donacion es puramente de de la orilla del arroyo por el camino real que va de la Puento a Sn. Gabriel hasta el pruner aleso que se encuentra a la mano derecha en un lado del camino que contiene poco mas o menos mil varas y de la cienega del potrero de Felipe Lugo por toda la orilla hasta una fila de sauses que forman el lindero de Casilda Soto poco mas de cuatro mil varas segun el diseno que obra en el Espediente. El juez que diere la posesion lo hara medir conforme a ordinanza dejando el sobrante que resulte a beneficio de la nacion para los usos convenientes.

En consecuencia mando que siroiendole de titulo el presente se tome razon de el en el libro a que corresponda y se entregue a los interesados para su resguardo y demas fines.

Dado en la Ciudad de Los Angeles, Capital del Departamento de Californias, a 18 de Abril, de 1845.

PIO PICO.

JUAN BANDINI,
Srio.

Queda tomada razon de este superior despacho en el libro respectivo.

Fha ut supra
BANDINI.

Sor Juez 1° de 1ª Instancia.

Jeorge Morillo y Teodoro Romero de esta vecinidad, ante V. como mas halla lugar en dro y al nuestro convenga, ambos decimas que en los potreras de la Mision Vieja de San Gabriel, hemos adquirido un corto terreno, el cual el hemos comprado al R. P. Fr. Tomas Estenega es te dro. y el titulo que antecedo, el que dibidamte. acompanamos, nos pone en necesidad de pedir la posecion de dho. terreno, segun lo demarca el diceno y el titulo lo espresa. por tanto A. V. suplicamos nos de la posecion que pedimos pues hasi es de justicia, dispensandomas el uso del papel comun per falta del sellado respectivo. Juramos lo necesario, &c.

Por no saber firmar hacen senal de cruz.

JEORGE MORILLO,
TEODORO ROMERO.

Angeles, Agosto 8, de 1845.

Angeles, Agosto 12, de 184 5.

Por presentado y admitido en cuanto ha lugar como lo piden los solicitantes y deseles la posecion respectiba. Asi yo Vicente Sanchez Alcalde 1° decrete mande y firme con los de asistencia segun dro.

VICENTE SANCHEZ.

Assa.
JGO. CORONEL.
Assa.
MANUEL SEPULVEDA.

En la Ciudad de los Angeles del Departamento de Californias a los doce dias del mes de Agosto de mil ochocientos cuarenta y cinco, annente a una instancia que presentaron los vecinos George Morillo y Teodoro Romero, para que se les de posecion juridica de un terreno en las cercanias de la Mision Vieja de San Gabriel conocido con el nombre de Potrero de Felipe Lugo y parte del inmediato a Casilda Soto, cuyo solar se les concedio el Gobernio superior con fecha diez y ocho de Abril del presente ano. Pasese por mi y los testigos de asistencia al mencionado sitio y procedose dar la posecion respectiva con total arreglo al titulo que presente en el acto; citandose a la fecha a los colindantes y tomando las providencias que requiere el caso. Asi yo Vicente Sanchez Alcalde 1° y Juez de 1ª Instancia decrete mande y firme con los de asistencia segun derecho.

[RUBRIC.]

VICENTE SANCHEZ.

Assa.
IGNACIO CORONEL.
Assa.
AGUSTIN OLVERA.

En seguida pase oficio a los senores colindantes para que concurriesen a sus linderos, y les manifeste el objeto a que me dirigia el punto de las inmediaciones de la Mision Vieja pues iba a poner en posecion del Potrero de Felipe Lugo a los vecinos Gorge Morillo y Teodoro Romero: de lo que quedaron entendidos sin manifestar objecion alguna, y se pone por diligencia.

VICENTE SANCHEZ.

Assa. YGNACIO CORONEL.
AGUSTIN OLVERA.

En Seguida estando en el Potrero de Felipe Lugo, nombre dos oficiales cordeleroo, los que por no saber escriber se omiten sus nombres, y los que aceptaron bajo juramento, ofreciendo desempenar fiel y legalmente su encargo, y se pone por diligencia que autorize y firme con las de asistencia segun deresho.

[RUBRIC.]

VICENTE SANCHEZ.

Assa. YGNACIO CORONEL.
AGUSTIN OLVERA.

En la fecha y hallandome en el Potrero de Felipe Lugo con el objeto de verificar las medidas y posecion que corresponde a los Senores Don Gorge Morillo y Don Teodoro Romero, y estando ante mi los testigos de asistencia y los oficiales cordeleros, hize medir un cordel constante de cincuenta varas, al que mande atar a sus estremos unos saucos de madera y practicados todos los requisitos de ley, previa observacion y calculo por mi disposicion se tiro el cordel bajo el Sureste desde la orilla del Paderon y viniendo por todo el lindero de Casilda Soto, se mideron y contaron setecientos varas que rema-

taron en otro lindero de Manuel Antonio; de aqui se cambio la direccion y tomando para el rumbo Noroeste se midieron y contaron cuatro mil cetecientos varas, que remataron en el camino real del Puente frente a un Sauco; de este lugar y con direccion al Oriente aunque algo cargado al Sur yendo por todo el Camino, se midieron y contaron mil varas, que remataron en el rio lindero de la Puente; De aqui se cambio la direccion y gendose por el rumbo Suroeste se midieron y contaron cuatro mil seiscientos varas, que remataron en el lugar donde se comenzo, lindero de Casilda Soto. Alli se les dio a Morillo y Romero a nombre de la Nacion Mejicana el poder, posecion y Senorio del terreno medido, y se les intimo formalmente que pusiesen sus mojoneras, con lo que se concluyo el acto que firme con los de asistencia segun derecho.

[RUBRIC.]

VICENTE SANCHEZ.

Assa. YGNACIO CORONEL.
AGUSTIN OLVERA.

Desele testimonio a las partes de las presentes, diligencias para su resguardo. Asi yo el Juez que subscribe, decrete, mande y firme con los de asistencia segun derecho.

VICENTE SANCHEZ.

Assa. YGNACIO CORONEL.
AGUSTIN OLVERA.

En la fecha se dio el testimonio respectivo rubrica.

Concuerda con su original de que doy fe y se halla en libro de instrumentos publicos de este ano del que se saco, corrigio y confronto en estas cuatro fojas de papel comun fuera del titulo y instancia fecha ut supra.

VICENTE SANCHEZ.

Assa. YGO. CORONEL.

Filed in office, November 4th, 1852.
(Signed) GEO. FISHER.
Secretary.

Doc. H. H. No. 2. (*Will.*)

En el nombre de Dios nuestrō Senor y la Virgen Sta. Maria concebida sin pecado original. Amen. Sea publico y notorio a los que la presente carta de mi testamento vieren, como yo Teodoro Romero natural del Departamto. de Sonora hallandome entermo y en mi entero y cabal juicio complido memoria y entendimiento natural (de que hago gracia a la divina Magerstad) temiendo que la muerte como propension natural a toda criatura viviente no me acaesca a sorprenda mi vida sin tener dispuestas las cosas que son y tocan al descargo de mi consciencia.

1a. Clausula. Dispongo y ordeno mi testamento confesando el ministerio de la Santisima Trinidad Padre, Hijo y Espiritu Santo, y todo

lo demas que cree y confiesa Ntra Madre la Sta. Yglesia C. A. R bajo cuyo fee he vivido y protesto vivir y morir como fiel cristiano y mando y encomiendo mi alma a Dios Ntro Senor que la crio y redimio con el infinito valor de su preciosa sangre pidiendo perdon de mis culpas; y el cuerpo mando a la tierra de que fue formado, y que cuando acaesca mi fallecimiento quiero sea sepultado en el campo Santo de esta Ciudad.

2a. Clausula. Yten mando se digan doce misas en la Mision de San Gabriel para bien de mi alma las que seran pagados con una llanta de Vuellez.

3a. Yten declaro deber a Dn. Enrique Dalton cincuenta pesos.

4a. Yten declaro dever a Juan Matias Sanchez siete pesos y una baca.

5a. Yten declaro dever a Pedro Peres cuatro pesos cuatro rrs.

6a. Yten declaro dever a Jose Maria Lugo tres pesos.

7a. Yten declaro dever a Bernabel Orantes dos pesos dos rr'ls.

8a. Yten declaro dever a Valentin el Indio dos pesos seis rrs.

9a. Yten declaro dever a Estevan Quintana una llegua.

10a. Yten declaro me deve Ignacio Maria Alvarado una llegua bronca.

11a. Yten declaro me deve Franco. Bejar una baca parida y un potro de fulsar rienda.

12a. Yten declaro me deve Dn. Vicente Sanchez un tornero por el cual le di cinco pesos, y el que deve entregar tan luego como lo reclame mi esposa.

13a. Yten declaro tener en el monte de la Mision un pedaso de tierra constante del numero de varas que resa en el titulo que tenemos yo y Gorge Morillo cuya tierra deve partirse por ignales partes entre yo y el.

14. Yten declaro tener un jacal de tuli en que habita mi familia.

15. Yten declaro tener cinco bacas mansas siete lleguas broncas de bientre un potrio manso y dos y media llanta de buelles con que se han de pajar las misas.

16. Yten declaro tener en el presidio del Toiron de Sonora por erencia que, que me dejaron mis padres segun consta una carta que me mando mi hermand Margarita Romero una casa de terrado con siete piesas, corral y trascorral y en la misma casa un molino de rastra para moler trigo.

17. Yten declaro tener en el mismo punto de Sonora por la misma erencia una tierra de labor constante poco mas o menos de cuatro cientas varas de largo, y tres cientas de ancho, y algunos arboles frutales repartidos en las cabeseras de la tierra.

18. Yten declaro ser casado con Maria Berdugo de cuyo matrimonio tengo cinco hijos, dos hombres y tres mugeres, llamandose el primero Domingo, el segundo Jose Jesus Romero, y las mugeres Maria Epifania, Juana Maria, y Maria Varbara Romero, y pagadas mis deudas todo se le queda a mi muger para que ella y mis hijos disfruten de lo que dare libremente.

Yten declaro ser mi voluntad reclame mi muger o mis hijos la casa y tierras de labor que estan en Sonora y que todo quede en beneficio de mi familia. Y otorgo este mi testamto. en la Ciudad de los Angeles ante los testigos C. C. Basilio Baldez, Vicente Moraya, y Juan Bonet, y suplico al Sor presente Juez Dn. Luis Jordan interponga su autoridad y autorise el presente testamento, como en efecto yo el Ciudadano Luis Jordan, Regidor segundo y Alcalde primero en terno constitucional de esta Ciudad de los Angeles certifico y doy fee que la presente disposicion testamentaria paso ante mi y quel otorgante aunque enfermo esta en su entero juicio y entendimiento natural y para constancia lo autoriso y firmo con los testigos de mi asista siendo los instrumentales los C. C. Basilio Baldez, Vicente Moraga y Juan Buet presentes y vecinos autorisandolo en papel comun por no haber del sellado que corresponda en la referida Ciudad de los Angeles a diez y seis de Octubre de mil ochocientos cuarenta y seis.

A ruego de Sor Teodoro Romero.

FRANCO. S. ALVARADO.

Instrumtl.,

BACILIO VALDEZ,
VICENTE MORAGA,
JUAN BONET.

Asia,

BERNARD LOPEZ,
JOSE LOPEZ.

Filed in office Nov. 4th, 1852.

(Signed) GEO. FISHER,
Secretary.

Translation, Grant, and Juridical Possession.

Second Class Stamp, Four Dollars.

Issued provisionally by the Maritime Customs of the Port of Monterey, in the Department of the Californias, for the years eighteen hundred and forty-four and eighteen hundred and forty-five.

[L. S.] MICHELTORENO,
PABLO DE LA GUERRA.

Pio Pico, Governor ad interim of the Department of the Californias.

Whereas Jorge Morillo and Teodoro Romero have claimed for their personal benefit and that of their families a tract in the neighborhood of those of the old Mission of San Gabriel, known by the name of Potrero de Felipe Lugo, and part of another towards the west, which was adjudicated to Senora Casilda Soto, according as marked in the design which was subjoined to their petition; the proceedings and investigations in that behalf having first been taken

according to the tenor of laws and regulations affecting the matter, in the exercise of the powers conferred upon me in the name of the Mexican nation, I have come to grant to them the aforesaid tract, declaring unto them the ownership thereof by the present letters, in conformity with the laws, and with entire subjection to the approval of the Most Excellent the Departmental Assembly, and under the following conditions:

1. They may fence the land adjudicated to them without prejudice to the cross-roads, highways, and rights of any, they shall enjoy it freely and exclusively, devoting it to the use and cultivation that best may suit them, but within one year they shall have it occupied with an inhabited dwelling-house and with cattle.

2. When the ownership shall have been confirmed, they shall solicit the competent magistrate to give them the juridical possession by virtue of this patent. Such judge shall assign the boundaries, the necessary landmarks being set up.

3. The tract hereby granted is merely from the bank of the stream along the highway that goes from the Puente to San Gabriel to the first sycamore (aliso), which is met with on the right hand side of the road, the dimension, more or less, being one thousand varas, and from the meadow of the puerto (spacious enclosure or clearing) of Felipe Lugo all along the edge to a row of willows that form the boundary of Casilda Soto, a little more than four thousand varas, according to the sketch which is filed with the minutes of proceedings. The judge who may give possession shall cause the same to be measured according to ordinance, leaving the surplus that may result for the benefit of the nation for its behooving uses.

Wherefore I order that these presents, serving as their title, be entered of record in the appropriate book, and delivered to the parties in interest for their protection and other purposes.

Given at the City of Los Angeles, capital of the Department of Californias, on the 18th of April, 1845.

PIO PICO.
JUAN BANDINI,
Secretary.

This superior patent is entered of record in the appropriate book. Dated as above.

BANDINI.

To the Judge of First Instance.

Sir:

We, George Morillo and Teodoro Romero, of this place, before you in such manner and form as may be most efficient in law, and most useful to our causes, do both state that among the Potreros of the old Mission of San Gabriel, we have acquired a small tract of land which we have purchased from the Rev. Father F. Thomas Estenega. This right, and the foregoing title which we duly annex,

place us under the necessity of requesting the delivery of possession of said land according as marked by the design, and expressed by the title. Wherefore, we beseech you to give us the delivery of possession which we ask for, this being according to justice.

Excuse us for using common paper, there being none of the proper stamp, we make the necessary verifications.

They subscribe with the sign of the cross, not knowing how to write their names.

JORGE MORILLO, †
TEODORO ROMERO. †

Angeles, August 8, 1849.

Angeles, August 12, 1849.

The above being presented and admitted to all legal intent, according to the request of the petitioners, let the appropriate delivery of possession be made. I, Vicente Sanchez, first Alcalde, have decreed, ordered, and subscribed with the attesting witnesses according to law.

VTE. SANCHEZ.

Attest, IGO. CORONEL.
Attest, MANUEL SEPULVEDA.

At the City of Los Angeles, in the Department of Californias, on the twelfth day of the month of August, one thousand eight hundred and forty-five, in compliance with a petition presented by the residents of this place, George Morillo and Teodoro Romero, to the end that the juridical possession be given to them, of a tract in the neighborhood of the Old Mission of San Gabriel, known by the name of Potrero de Felipe Lugo, and part of that adjoining Casilda Soto, which lot was granted them by the Superior Government under date 18 of April of the present year, ordered that I repair with the attesting witnesses to the aforementioned premises, and proceed to give the due possession, in total accordance with the title which was presented, at the same time summons for that purpose being served upon the owners of adjoining lands, and those steps being taken, which the case requires, I, Vicente Sanchez, first Alcalde and Judge of the First Instance, have so deemed, ordered, and subscribed with the attesting witnesses according to law. Vincente Sanchez Attest. Ignacio Coronel. Attest. Agustin Olvera. In continuation I served notice upon Messrs. the owners of neighboring lands, that they should be present at their boundary lines, and I stated to them the object of my visit to premises in the neighborhood of the Old Mission, viz., that I was going to deliver possession of the Potrero of Felipe Lugo to the residents of this place, George Morillo and Teodoro Romero, whereof they took notice without stating any objections, and the same is noted in the minutes. Vicente Sanchez. Attest, Ignacio Coronel. Attest, Agustin Olvera.

Immediately afterwards, being at the Potrero of Felipe Lugo, I

appointed two official line-bearers, whose names are omitted, they not knowing how to write. They accepted, under oath, promising to discharge their office faithfully and legally, and I make a minute thereof which I certified and subscribed, with the attesting witnesses according to law. Vicente Sanchez. Attest, Ignacio Coronel. Attest, Agustin Olvera.

On the same date, and being at the Potrero of Felipe Lugo for the object of effecting the remeasurements and delivery of possession, to which Messrs. Don George Morillo and Don Teodoro Romero are entitled, and having in my presence the attesting witnesses and official line-bearers, I caused to be measured a line consisting of fifty varas, and ordered some wooden poles to be fastened to its extremities, and all the requisites of law being complied with, after observation and calculation under my direction, the first line was drawn towards the southeast from the edge of the steep bank of the river, and following the boundary of Casilda Soto, there were measured, and counted seven hundred varas, which ended at another boundary of Manuel Antonio, thence the direction was altered, and taking a northwest course, there were measured and counted four thousand seven hundred varas, which ended at the main road of the Puente, in front of a willow. From this spot, and in an easterly direction, though somewhat deviating towards the south, following along the road there were measured and counted one thousand varas, which ended at the river, which is the boundary of the Puente; thence the direction was altered, and following a southwest course, there were measured and counted four thousand six hundred varas, which ended at the point of beginning in the boundary of Casilda Soto. There was given to Morillo Romero, in the name of the Mexican Nation, the power, possession, and lordship of the land so measured, and formal intimation was made to them, that they should set up their landmarks, wherewith the proceeding was concluded, and I subscribed the same with the attending witnesses, according to law. Vicente Sanchez; attest, Ignacio Coronel; attest, Agustin Olvera. Let a certified copy issue to the parties of the present minutes for their protection. I, the undersigned Judge, have so decreed, ordered, and subscribed with the attesting witnesses, according to law. Vicente Sanchez; attest, Ignacio Coronel; attest, Agustin Olvera.

On the same date the appropriate certified copy was given.

A. SORELL.

A true copy of the original, which I certify; said original is found in the Book of Public Instruments of this year, and from it this was taken, with correction and collation on these four sheets of common paper, besides the title and petition.

Date as above.

VTE. SANCHEZ.

Attest, IGO. CORONEL.

Filed in office, Nov. 1, 1852.

GEO. FISHER,
Secretary.

JORGE MORILLO and MARIA V. ROMERO *v.* THE UNITED STATES. } Potrero de Felipe Lugo.

Opinion.

The papers on file in this case show that on the 18th day of April, A. D. 1845, Jorge Morillo and Teodoro Romero obtained from Governor Pio Pico, a grant of land, known by the name of Potrero de Felipe Lugo, which grant was duly approved by the Departmental Assembly, and juridical possession given by the proper officer, all of which is satisfactorily proved. It also appears from documents on file in this case, that Teodoro Romero, the husband of Maria V. Romero (one of the present claimants), is dead, and that by his last will and testament he bequeathed to his said wife, Maria Verdugo, his entire interest in the tract of land granted to him and Morillo, jointly, during her life, and the remainder to his children. It is proved by the deposition of Hugo Reid, that Morillo and Romero, the original grantees, built a house on the land within one year after the date of the grant, and that they lived in the house, that they had stock on the rancho, and cultivated the land, and that Morillo and the widow of Romero, still continue to reside on the place. The description of the land granted is made sufficiently definite by the officer who made the juridical measurement, and with the aid of the map on file, which is made evidence in the case, there will be no difficulty in ascertaining the precise land granted. We are therefore of opinion that the claim in this case should be confirmed.

Filed in office, Oct. 18, 1853.

GEO. FISHER,
Secretary.

GEORGE MORILLO et al. *v.* THE UNITED STATES. }

Decree.

In this case, on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said petitioner is valid, and it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are situated in the neighborhood of the Old Mission San Gabriel, and are known by the name of Potrero de Felipe Lugo, and are the same formally occupied by Jorge Morillo and Teodoro Romero, and are bounded and described as follows, to wit: commencing at the point where the main road of

the Puente leading to San Gabriel crosses the Arroyo de Asuza, which is the boundary of the Puente, running thence in a southwesterly course, down and along said arroyo, four thousand six hundred varas, to the boundary of land known as the land of Casilda Soto, thence towards the northeast, following the boundary of said Casilda Soto's land, seven hundred varas, thence four thousand seven hundred varas, to a point in said main road, in front of a willow, which is one thousand varas from the place of beginning, thence in a direction a little south of east along said road one thousand varas, to the place of beginning on the bank of said creek; reference for further description to be had to a map, which is made a part of a document, marked Exhibit No. 1, filed in this case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office, Oct. 18, 1853.

GEO. FISHER,
Secretary.

Office of the Board of Commissioners to Ascertain and Settle the Private Land Claims in the State of California.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-seven pages, numbered from 1 to 37, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said Board, of the documentary evidence and of the testimony of the witnesses, upon which the same is founded, on file in this office in case No. 432, on the docket of the said Board, wherein George Morillo and Maria V. Romero are the claimants against the United States, for the place known by the name of "Potrero de Felipe Lugo."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office), at San Francisco, California, this fourth day of August, A. D. 1854, and of the Independence of the United States of America the seventy-ninth.

GEO. FISHER,
Sec'y.

[PRIVATE SEAL.]

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

I, Charles E. Carr, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing 38 pages, numbered from 1 to 38, both inclusive, contain a full, true, and correct copy of transcript, No. 432, filed in this office, wherein G. Morillo & Ma. V. Romero are appellees, and the United States are appellants, for "Portrero de Felipe Lugo."

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, at Los Angeles, California, this 20th day of December, A. D. 1855, and of the Independence of the United States of America the eightieth.

[SEAL.] C. E. CARR, Clerk.

United States District Court, Southern District of California.

Clerks' Office, Los Angeles.

G. MORILLO & MA. V. ROMERO, Appellees, } Docket No. 33.
v.
THE UNITED STATES, Appellant. } Transcript No. 432.

Be it remembered, that on the 22d day of August, A. D. 185 , in the District Court of the United States for the Southern District of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, in the case wherein G. Morillo and Ma. V. Romero are the claimants, against the United States, for the place named Portrero de Felipe Lugo, was received and filed, and docketed with No. 33, and is as follows, to wit:

(Vide page .)

Los Angeles, Nov. 7th, 1854.

In case above-mentioned, notice of appeal by the U. S. Attorney-General was filed.

(Vide page 3.)

Los Angeles, Dec. 29th, 1854.

In same case, petition of the United States for review was filed.

(Vide page 3.)

Upon which petition, the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, February 24th, 1855.

In same case, the answer of the appellees was filed.

(Vide page 8.)

Los Angeles, April 9th, 1855.

In the same case the following motion was filed:

(Vide page 10.)

Los Angeles, June 14th, 1855.

In same case the following stipulations were filed:

(Vide page 10.)

Los Angeles Sept. 1855.

In same case, brief of the U. S. District Attorney was filed.

(Vide page 11.)

Los Angeles, Sept. 19, 1855.

In same case, the opinion of the Court was delivered, confirming the claim, and the following decree was entered:

(Vide page 13.)

Los Angeles, Oct. 18th, 1855.

In same case, the following order of appeal was filed:

(Vide page 15.)

Notice of Appeal.

Office of the Attorney-General of the United States,
Washington, 11th September, 1854.

GEORGE MORRILLO y MARIA V. ROMERO
v.
THE UNITED STATES.

You will please take notice, that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of June, 1854, the appeal in the District Court of the United States for the Southern District of California will be prosecuted by the United States.

(Signed) C. CUSHING,
Attorney-General.

Filed, November 7th, 1854.
(Signed) C. E. CARR,
Clerk.

Petition for Review.

In the District Court of the United States for the Southern District of California, Los Angeles County.

GEORGE MORRILLO and MARIA ROMERO VERDUGO *ads.* THE UNITED STATES. — No. 432.

To the Hon. Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California.

The petition of Pacificus Ord (of Monterey County), Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court in his proper person, in the name and behalf of the United States, represents as follows:

That heretofore, to wit, on or about the 1st day of November, A.D. 1852, George Morillo and Maria Verdugo Romero presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called "Potrero de Felipe Lugo," in the words and figures following, to wit: "The petition of George Morrillo and Maria Verdugo Romero, respectfully showeth, that on or about the 18th day of April, A.D. 1845, Pio Pico, then Governor of California, in the name of the Mexican Nation, by virtue of the laws then in force, the customs and usages of the country affecting grants of land in California, granted in full property unto the said Jorge Morillo, one of your petitioners, and Teodoro Romero, husband of the other of your petitioners, the tract of land known by the name of Potrero de Felipe Lugo, and more particularly described in the papers and maps relating to the grant of said lands, copies of said papers being herewith filed as part of this petition, as well as the record of papers and maps relating to the grant of said lands, now in the custody of the United States Surveyor-General for California; copies of said papers and maps, so soon as the same can be obtained, your petitioners pray leave to file as part of this petition. And your petitioners further show, that they are informed and believe the said grant was duly approved by the Departmental Assembly of California. And your petitioners further show, that juridical possession was given of said lands by the proper officer, having jurisdiction of that subject-matter; as is more at large set forth in a copy of an official paper herewith filed as part of this petition. That said original paper is now in the hands of your petitioners, ready to be produced and proved as your Honorable Board shall direct. And your petitioners further show, that on or about the year A.D. , the said Teodoro Romero departed this life, leaving him surviving, the said Maria Verdugo Romero, his wife, and one of your petitioners, and five children, to wit: Domingo Romero, Jose Jesus Romero, Maria Epifania Romero, Juana Maria Romero, and Maria Urbaro Romero; that by the last will and testament of the said Teodoro Romero, the said tract of land hereby claimed was left to the said Maria Verdugo Romero, his wife, during her life, and the remainder to his five children hereinbefore named and set forth; a copy of said testament being herewith filed as part of this petition. And your petitioners further show, that from about the date of said grant, the said Jorge Morillo and Teodoro Romero took peaceable and quiet possession of said lands, and they and their families have ever since had, and now have the peaceable and quiet possession and occupation of all of said lands. There is no conflicting claim thereto known to your petitioners. The said lands have not been surveyed by the United States Surveyor-General for California. In view of the foregoing facts, your petitioners pray, that the title to said lands may be confirmed to your petitioners by this Honorable Board. The evidence upon which

your petitioners rely in this case, are the records of this grant, papers and maps in the custody of the United States Surveyor-General for California, original papers in the hands of your petitioners, and ready to be produced and proved, and the testimony of witnesses to be produced before your Honorable Board, respectfully submitted for such action as the justice and nature of the claim may require.

Your petitioner farther represents that thereafter, to wit, on the 18th day of October, A. D. 1853, the said Commissioners confirmed by final decree the said claim of the said George Morillo and Maria Verdugo Romero, in the words and figures following, to wit: "George Morillo et al. v. The United States. In this case, on hearing the proof and allegations, it is adjudged by the Commission, that the claim of the said petitioner is valid, and it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are situated in the neighborhood of the Old Mission of San Gabriel, and are known by the name of Potrero de Felipe Lugo, and are the same formerly occupied by Jorge Morillo and Teodoro Romero, and are bounded and described as follows, to wit: commencing at the point where the main road of the Puente, leading to San Gabriel, crosses the Arroyo de Azuza, which is the boundary of the Puente, running thence in a southwestwardly course down and along said arroyo four thousand six hundred varas to the boundary of land known as the land of Casilda Soto, thence towards the northeast, following the boundary of said Casilda Soto's land, seven hundred varas, thence four thousand seven hundred varas to a point in said main road, in front of a willow, which is one thousand varas, to the place of beginning. Thence, in a direction a little south of east along said road, one thousand varas, to the place of beginning, on the bank of said creek, reference for further description to be had to a map, which is made a part of a document, marked Exhibit No. 1, filed in this case.

"ALPHEUS FELCH,
"THOMPSON CAMPBELL,
"R. AUG. THOMPSON.
"Commissioners.

"Filed in office October 18th, 1853.

"GEO. FISHER,
"Secretary."

That thereafter, to wit, on the 22d day of August, A. D. 1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause, was filed in the office of the clerk of the District Court of the United States for the Southern District of California, and marked 432, reference to which it is prayed may be had, and made a part of this petition.

That on the 30th day of June, A. D. 1854, the Hon. Caleb

Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said Commissioners, in said cause (No. 432), and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7th day of November, A. D. 1854, the said Attorney-General of the United States filed, or caused to be filed on behalf of the United States, a notice with the said clerk, of said District Court for the Southern District of California, that the appeal in said cause, of George Morillo and Maria Verdugo Romero, v. the United States, from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

Your petitioner further represents that the said land claimed, as aforesaid, is within the jurisdiction of this Honorable Court.

And your petitioner further represents, and insists that the said decree, of said Commissioners, is erroneous and ought to be reviewed, reversed, and set aside for many errors and imperfections of law and evidence apparent in said certified transcript of said cause, now on appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said claim is invalid, and the said decree erroneous, on the following grounds.

1. That the said George Morillo and Maria Verdugo Romero show no valid title to the said land claimed by them, as aforesaid, and it is denied that they have any.

2. That the said alleged grant of Governor Pio Pico was made in violation of the 4th Article of the colonization law of Mexico of the 18th of August, A. D. 1824, in this, that the land granted, as alleged by claimants, was and is within ten leagues of the sea-coast, and there is no evidence by claimants that the Supreme General Executive power of Mexico previously approved of the colonization of the lands of California within ten leagues of the sea-coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.

3. That, at the date of the said alleged grant, the said land claimed, as aforesaid, was occupied by the Missions of California, and particularly by the Mission of San Gabriel.

4. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the law of Mexico, of the 18th August, A.D. 1824, and the regulations for the colonization of the Territories of Mexico, of the 21st November, A.D. 1828.

5th. That the said alleged grant of Pio Pico for said land is void, for want of certainty in the description of the land.

6th. That no definitive title for said land was ever given the said claimants; and that, therefore, the alleged juridical survey and possession by Vicente Sanchez was unlawful.

That said alleged juridical possession and survey was not made

according to the said alleged grant and map, or according to the ordinance or law; that it is vague and indefinite.

7th. That there is no evidence that Vicente Sanchez, who pretended to give juridical possession of the said land, was first Alcalde of Los Angeles on the 12th of August, A.D. 1846, and that he had lawful jurisdiction and authority to give the said claimants juridical possession of the said land. And it is denied that the said Sanchez was first Alcalde of Los Angeles on the 12th of August, A.D. 1846, and that he had at that time lawful jurisdiction and authority to give the juridical possession of the said land to the said claimants, as alleged.

And no proof having been made by said claimants of the allegations of their said petition, or in support of their said claim filed as aforesaid, no decree ought to have been made or grounded thereon, but the said petition ought to have been dismissed, and said claim rejected by said Commissioners, upon the grounds aforesaid.

Wherefore the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and the laws and statutes in such case made and provided, prays that the said George Morrillo and Maria Verdugo Romero, or their attorney, may be served with a copy of this petition, and that this Honorable Court will review the said decision or final decree of confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said George Morillo and Maria Verdugo Romero for said land claimed, and confirmed as aforesaid. And that the same may be decreed invalid, and all such other orders, judgments, or decrees as may be just, with costs and general relief.

(Signed) P. ORD,
Attorney of the United States for the Southern District of California.

Filed Dec. 29th, 1854.
(Signed) C. E. CARR,
Clerk.

Answer.

In the District Court of the United States for the Southern District of California.

GEORGE MORILLO and MARIA VERDUGO ROMERO *ads.* THE UNITED STATES. } No. 432.

To the Hon. Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California.

The answer of George Morillo and Maria Verdugo Romero, citizens of the United States, residing in the County of Los Angeles, in the State of California, to the petition of review filed in the

above-entitled cause of the suit of the United States against them, praying that a certain final decree of confirmation entered in their favor by the United States Land Commissioners, appointed to ascertain and settle the Private Land Claims of the State of California, in a certain claim for a tract of land called "Potrero de Felipe Lugo" may be set aside and reversed, respectfully represents, That these defendants admit that they did present their petition to the said Commissioners for the tract of land described in said petition, and that the said Commissioners did enter a final decree of confirmation in their behalf for the said tract of land.

And these defendants further answering say, that they claim the said tract of land called "Potrero de Felipe Lugo," with the metes and bounds referred to in the transcript from said Commissioners relating to their said claim, which transcript was filed in the clerk's office of your Honorable Court on the 22d day of August, 1854, and is herein specially referred to, and made a part of this answer; that they claim the same in virtue of a grant in fee thereof made to George Morillo and Teodoro Romero, the husband of Maria Verdugo Romero, one of these defendants, as set forth in their petition, presented to said Commissioners, filed in the office of the Secretary of the Board of said Commissioners, on the 1st day of November, 1852, as appears in said transcript, by Pio Pico, then Governor of California, on the 18th day of April, 1845, by virtue of authority in him vested by law; that the metes and bounds of said claim are accurately defined in the map and judicial survey, and possession thereof, both of which appear in said transcript herein specially referred to, and made a part of this answer.

And these defendants further answering say, that they have faithfully discharged all the conditions imposed upon them by said grant. And they further aver that their said claim is valid, as appears by the said transcript, and the decree of the said Commissioners, and as will be made to appear by such further proof as may be taken by order of your Honor. And that the final decree of said Commissioners is valid according to the laws, customs, and usages of Spain and Mexico, as they existed in California, and according to the Treaty of Guadalupe Hidalgo, the laws of nations, the principles of equity, and the decisions of the Supreme Court of the United States as far as they are applicable.

And defendants further answering deny all and singular the allegations in plaintiffs' petition contained, excepting such as are herein specially admitted.

And the defendants further aver, that there exists no cause, by reason of anything alleged in said petition, why said final decree should be declared invalid.

Wherefore the said defendants pray, that your honor do declare the said final decree of said Commissioners as well as the claim and title of these defendants to the said land to be valid. They pray that

petition of the United States be dismissed, and for costs and general relief.

(Signed) AGUSTIN OLVERA,
Attorney-in-fact of Defendants.

Filed February 24th, 1855.

C. E. CARR,
Clerk.

United States District Court.

GEORGE MORILLO and MARIA VERDUGO ROMERO, Appellees, *ads.* THE UNITED STATES, Appellants. } No. 33.

Motion for an order to take further testimony.

And now at this day comes the said appellees, by Myron Norton and Agustin Olvera, their attorneys, and moves the court for an order to take further testimony in the above-entitled cause, by either party.

MYRON NORTON,
Attorney for Appellees.

Filed April 9th, 1855.
(Signed) C. E. CARR,
Clerk.

Stipulation.

G. MORILLO and M. G. ROMERO *ads.* THE UNITED STATES. } No. 33. Transcript No. 432. Monterey, June term, 1855.

In the United States District Court for the Southern District of California, Hon. Isaac S. K. Ogier, Judge.

It is stipulated by and between Myron Norton, attorney for claimants, and Pacificus Ord, attorney for the United States, in the above-entitled cause, that all objections as to the regularity or legality of this present term or sitting of the court at Monterey, are hereby waived in said cause.

And it is further stipulated and admitted, that the lands claimed in this cause are situate in the County of Los Angeles, and in the Southern District and State of California, and within the jurisdiction of said court, as alleged in the petition for review of United States District Attorney.

And it is further stipulated and admitted, that the transcript in this cause was received by the Attorney-General of the United States, and the notice of appeal given, in the manner and at the time and place as alleged in said petition for review.

P. ORD,
United States District Attorney.

June, 1855.

MYRON NORTON,
Attorney for Claimants.

Filed June 14th, 1855.
(Signed) C. E. CARR,
Clerk.

Stipulation.

In the United States District Court for the Southern District of California.

THE UNITED STATES, Appellants,
v.
GEORGE MORILLO and MARIA V. ROMERO, Appellees. } No. 33.

"Potrero de Felipe Lugo."

It is hereby stipulated and agreed, by and between Pacificus Ord, attorney of the United States, and Myron Norton, attorney for the appellees in this case, that the said case be set down for trial, and finally submitted to the court, at this present June term thereof, at the City of Monterey, hereby waiving any and all objections there might be as to the regularity of the said term. Monterey, June 14th, 1855.

(Signed) P. ORD,
District Attorney.
MYRON NORTON,
Attorney for Appellees.

Filed June 14th, 1855.
(Signed) C. E. CARR,
Clerk.

Brief of the District Attorney.

G. MORILLO and MA. V. ROMERO
ads.
THE UNITED STATES. } No. 33. Transcript No. 432.

Brief of the District Attorney.

The principal objection to the confirmation of the claim, and the affirmation of the decree of the Land Commissioners is, that the juridical possession does not follow the original petition, map, report, and grant.

It appears that the Alcalde Vicente Sanchez began the measurement at the River Azuza and boundary of Casildo Sota's land, and measured along the eastern boundary of her land in a southeast (northeast?) course; 700 varas from this point he changed the course northwest, and measured 4700 varas to the Puente Road opposite to a willow, thence in an easterly and southerly course along the road 1000 varas to the river, thence in a southwest course 4600 varas to the place of beginning.

Now it is contended that the Alcalde has not followed the description of the land as set forth in the grant, and explained by the map. The grant and map are remarkably clear in describing the natural landmarks and boundaries.

These must control the courses and distances, for the first are certain and the latter uncertain. These are, then, as shown by the petition, map, reports of the Priest of San Gabriel, and the grant,

1st. A point on the River Azuza, where the Puente highroad crosses; thence westerly along the south side of the road to a sycamore tree on the right hand side of the road.

2d. Thence (southwesterly) (see report of Tomas Estenga, the Priest of the Mission of San Gabriel, p. 15 of transcript (translation), and also the petition of Morillo and Romero to Gov. Pico, p. 14 (translation), which shows clearly what land was asked for and what was granted) to the swamp (Cienega) of the Potrero of Felipe Lugo (see map, p. 10 of transcript), and along the entire edge (westerly) of the same to a row of willows, which forms the boundary of Casildo Sota, and in the same direction to the river.

3d. Thence up and along the river to the place of beginning, and *no more* (*puramento*), says the 3d condition of the grant. The decree of the Commissioners follows the juridical possession, with the exception that it begins at a point of the Puente Road and River, and thence down the river 4600 varas to the point of Casildo Sota's land, thence northeast by Casildo Sota's land 700 varas, thence to the point in front of a willow on the Puente Road 4700 varas, thence along said road to place of beginning 1000 varas. The act of juridical possession and the decree of the Commissioners, make the figure of the land quadrangular, while it is plainly evident by the petition of the claimant to Pico, asking for the land, and the report of the Priest of the Mission of San Gabriel, who was better able to describe it than the said petitioners, and the map accompanying the said petition, that the land granted was triangular in form. The Alcalde certainly deviated from the plainly described boundaries of the grant, and he begun the measurement correctly, perhaps at the point on the river and Casildo Sota's land, and run thence in a direct line southeast (northeast?) 700 varas. But at this point he abandons the direct line along the row of willows by the edge of the swamp, and on to the sycamore tree, and goes off in a northwest direction to a willow on the Puente Road. It is not known what were the reasons or motives of the Alcalde in making this great deviation from the terms of the grant. It does not seem likely that it could have been an error, for the words of the grant and the natural boundaries laid down on the map, are too plain to be mistaken. He might, however, have believed, that as the land was marked vacant in the map, he could do no great injury to any person likely to object at the time, and he therefore threw it in for good measurement.

It cannot be said that the Alcalde had any granting power; he was bound strictly by the terms of the grant, and when he went beyond them he either acted ignorantly or fraudulently, and the pretended juridical act of possession was therefore void, if not wholly, at least for the excess of land given by him to the grantees.

If the Court should be of opinion that the grant is valid, it will not hesitate, we believe, to reform the decree of the Commissioners, so that the land really granted according to the natural boundaries in the grant, shall be confirmed to the claimants, and not the land given by Sanchez, in his judicial possession, and confirmed by the Commission.

Respectfully submitted,

(Signed) P. ORD,
Dist. Atty. U. S.

Decree.

United States District Court for the Southern District of California.

GEORGE MORILLO et al. Appellants,
ads.
THE UNITED STATES, Appellees.
} No. 33. Potrero de Felipe Lugo.

This case coming on to be heard at a stated term of this Court, on an appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California, under the Act of Congress approved 3d March, 1851, upon the transcript of the decision and proceedings, and papers and evidence on which said decision was founded. And it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard, It is ordered, adjudged, and decreed, that the said decision of the said Commissioners be affirmed, and that the claim of the said George Morillo and Maria V. Romero to the land described in the grant in this case, is a good and valid claim, and the same is hereby confirmed according to the boundaries mentioned in said grant, and the map accompanying the same, as follows: the road from San Gabriel to the Puente to on the northeast, commencing at the bank of the river Azusa, and running westwardly, a little inclined to the north, along said road to the first sycamore tree on the right hand side of the road, and fixes the length of that line to one thousand varas, a little more or less, from said sycamore tree, in a southeastwardly direction to what is called the Cienega of the Potrero of Felipe Lugo, and along that Cienega to a row of willows, the boundary line of the land of Casildo Soto, and along the boundary line of Casildo Soto to the bank of the said river Azusa, thence in a northeasterly direction along the bank of said river to the place of beginning.

(Signed) ISAAC S. K. OGIER,
Dis. Judge.

Filed Sept. 19th, 1855.

(Signed) C. E. CARR,
Clerk.